Scott. II-27—45,000—15-11-25.

(12)

(193) Department.

SERIES.

G.O. No. 4

1,216

DATED

[Despatch Abstract.]

Official Receiver, South Kanara - Establishment - Continuance of temporary clerk - Declined.

C F. 30.

DEPARTMENT.

Received ..... 192 . *Registered* L.C. 2170B 192 .
27.3.36

ASSISTANT SECRETARY 27 MAR 1936 LAW DEPT.

Subject.

ENCLOSURES.
No .....
.....
Spare copies .....

R.O.C. No. 966/36/D3.

Station Madras , *Dated the* 25th March 1936.

From (Name) G.S. White Esquire, (Solicitor),

(Designation) Registrar, High Court, Madras.

To The Secretary to the Government of Madras,

LAW (GENERAL) Department.
(with enclosures)

Sir,

Establishment - Official Receiver's office - South Kanara - temporary clerk - retention for one year - recommended

Reference: G.O.No.Ms. 1355 Law (General) dated 17-4-1935.

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In the circumstances set forth by the District Judge of South Kanara in the enclosed copy of his letter No.Dis.1729 dated 9-3-1936 and its enclosures, the Hon'ble the Judges recommend the request of the District Judge for the continuance of the additional clerk in the Official Receiver's Office for one more year from the date of commencement of the Summer recess of his Court for 1936. I am therefore to request that the Government may be pleased to issue orders accordingly.

Necessary provision of funds has been made in the Budget

Estimate of the next year for the retention of the temporary clerk.

I have the honour to be,

Sir,

Your most obedient servant,

REGISTRAR.

PP

Copy of letter Dis.No.1729 dated 9th March 1936 from the District Judge, South Kanara to the Registrar, High Court, Madras.

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In forwarding herewith a copy of letter No.243/36 dated the 24th February 1936 from the Official Receiver, South Kanara regarding the extension of the term of the additional clerk working in his office, I have the honour to state that the term of the clerk sanctioned in G.O.No. 1355 Law (General) dated 17-4-1935 expires from the commencement of the midsummer recess of 1936 and to request that for the reasons set forth herebelow the High Court may be pleased to recommend the extension of the term of the additional clerk by another year.

2. Statement A (enclosed herein) shows in detail the various registers required to be maintained and the nature of recurring scriptory work required to be turned out daily by the clerical staff in the Official Receiver's office. Statement B gives an idea of the file of the Official Receiver and the work turned out by the Official Receiver as well as the scriptory work turned out by his clerical staff during each of the years 1930 to 1935.

3. There are as many as 32 registers to be maintained. Some of them, such as Register of leases and register of assets, which are of utmost importance, furnishing vital information on various points in regard to which the Auditor has to check the accounts of the Official Receiver relating to the administration of the several estates of the insolvents, have to be kept always up to date. The work is very laborious and taxing, as it involves reference to the several leases of each of the estates and the entries in the ledger of each estate and other records relating to each case. The posting

up of the entries of the various receipts, disbursements and remittances in the cash book and ledger which requires careful scrutiny of the records and the calculation of the dividends due to the several creditors which requires to be worked out with accuracy are the main items of daily work which occupy almost the major part of the time of the clerk and consequently very little time is left at his disposal to attend to the various other registers and items of work detailed in Statement A. This part of the work has necessarily to fall in arrears, and if done, it is done very unsatisfactorily. I am of the opinion that having regard to both the quality and quantity of clerical work required to be turned out in the Official Receiver's Office, it is too voluminous for a single clerk to cope with efficiently and satisfactorily. It may not be out of place here to add that the clerk's work in the Official Receiver's Office is as onerous as, if not more onerous than, that of even a Head Clerk in a Munsif's Court since he has to deal with large receipts and disbursements of moneys realised by sales and from the assets of the insolvents.

4. In addition to these registers, the Examiner of Local Fund Accounts in his report on the audit of the accounts of the Official Receiver for the official year 1934-35 has recommended the opening and maintenance of three more registers viz., (1) a register of all sales with the help of which realisation of sale amounts may be watched (2) a register of advances to watch prompt adjustment of law charges paid to vakils and (3) a register of money orders to record money orders received daily to ensure that there are no omissions to bring to account all such receipts in the cash book. It is needless to say that the maintenance of these registers throws further extra burden on the clerk who is already overworked.

5. Again the number of cases available for administration in each of the years 1930-1935 was as follows:-320 in 1930, 317 in 1931, 365 in 1932, 383 in 1933, 474 in 1934 and 436 in 1935. In spite of the large number of cases viz., 178 disposed of by the Official Receiver last year, there are still 258 cases pending. The recurring scriptory work relating to these cases will be voluminous and heavy so as to be far beyond the competency of one clerk to manage satisfactorily and efficiently. Vide the statistics for the years 1930 to 1935 which show a progressive increase in the volume of work.

6. For the reasons stated above, I have the honour to request that the High Court may be pleased to recommend to the Government the extension of the period of the temporary clerk by another year.

Copy of letter Dis.No.243/36 dated the 24th February 1936 from the Official Receiver, South Kanara, to the District Judge, South Kanara.

Reference:- Additional clerk.

With reference to your Dis.No.1317/19-2-1936, I beg to state that, a statement of the current work in the Official Receiver's office is appended hereto. (Statement A). I would invite your kind attention to the fact that the question of the appointment of an additional clerk was first considered in 1930 and W.O.Newsam Esquire, was the District Judge then in office and he would appear to have held a special inspection of the Official Receiver's office

before

making his recommendation. The number of insolvency cases then pending was 250, and the number of papers received was 789 and papers despatched was 423 and registers to be maintained 25; and the appointment of the additional clerk was sanctioned for six months. Thereafter retention was recommended by K.S.Ramaswami Shastri Esquire and again by N.Chandrasekhara Aiyar Esquire and on the last occasion by yourself. The number of insolvency cases pending at the beginning of this year (1936) was 258 in spite of the fact that 178 cases have been closed last year. The number of papers received was 4388 and papers despatched was 1869 and the number of registers to be maintained now is 32, which will show that the continuance of the additional clerk in this office is necessary.

Mh 2-5 9(V)

Under the circumstances I request that steps may be taken for making permanent provision for an additional clerk. But if that is not possible extension for a further period of one year at least may be kindly asked for.

Statement A.

showing the recurring work which has to be turned out in the office of the Official Receiver, South Kanara.

1. Maintenance of the following registers as prescribed by the Rules.

1. Register of Insolvency Petitions.
2. Dividend Register
3. Register of Assets
4. Document Register
5. Register of Leases
6. Register of Initial charges met from contingencies
7. " of commission bills
8. " of dividend bills
9. " of C.M.Ps. received
10. " " disposed of.
11. " of impounded instruments.
12. Detailed register of documents and court fees
13. Diary register
14. Hearing book
15. Register of sale deeds
16. Cash book
17. Ledger
18. Contingent register

19. Salary acquittance register
20. Register of Service Postage stamps.
21. Cheque books
22. Register of moveables seized
23. Register of papers received
24. " of papers despatched
25. Attendance register
26. Counter foil receipt books
27. Challan books
28. Stock register
29. Register of printed forms etc.
30. Register of stationaries etc.
31. Daily register of court fees
32. Commission ledger.

II. Issuing notices to creditors and insolvents under various sections of the Provincial Insolvency Act.

III. Preparing sale papers.

IV. Answering constant references from 7 insolvency courts and retaining office copies of correspondence.

V. Calculating dividend in various cases.

VI. Indexing the records.

VII. Submission of various periodical statements to the District Court.

VIII. Preparing indents for forms, registers, stationaries etc.

IX. Attending to copy applications.

X. Attending to the notices of suits, appeals and petitions in which Official Receiver is a party in various insolvency cases.

XI. All kinds of spade work relating to the realisations and disbursements of the assets.

P.T.C.

Statement B.

Statement showingthe cases received, realisations and disbursements made and cases closed etc., during the six years 1930-1935 in the Court of the Official Receiver of South Kanara.

	1930	1931	1932	1933	1934	1935
Insolvency cases pending at the beginning of the year ..	237	219	288	281	361	365
Insolvency cases received during the year ..	83	98	77	102	111	71
Cases closed during the year ..	101	29	84	22	107	178
Cases pending at the end of the year ..	250	288	281	361	365	258
Papers received during the year ..	1390	1474	2862	3180	3385	4388
Papers despatched do. ..	423	914	800	1026	1176	1869
Realisations made * ..	94911	38014	188093	88139	140563	89976
Disbursements * ..	78723	71348	162041	95478	141105	75784
Claims admitted * ..	288857	362270	106959	120200	356639	545793
Claims satisfied * ..	50690	54384	131025	79314	120612	60854
Registers maintained **..	25				32	32

N.B. * The amounts shown under items marked * are given in whole rupees only.

** The Examiner of Local Fund Accounts, Madras has in his audit report on the accounts of the Official Receiver for 1934-35 recommended the maintenance of three more registers and hence 35 registers have to be maintained in the Official Receiver's Office.

Statement showing the rebate credited to Government for the last 10 years i.e., 1925-26 to 1934-35.

1925-26	..	Rs. 1064	2 6	1930-31	..	Rs. 908	14 3
1926-27	..	903	13 8	1931-32	..	6	3 9
1927-28	..	720	12 0	1932-33	..	3819	12 11
1928-29	..	1619	8 8	1933-34	..	990	1 10
1929-30	..	509	2 10	1934-35	..	2192	11 8

i.e., a total of Rs.12735-4-1 for 10 years or an average of Rs.1273-8-5 per year.

District Court, South Kanara,
Mangalore, 3rd March 1936.

Sd./ Mir Amiruddin,
District Judge.

PP

Home ~~Law (Special)~~ Dept.

[C No 2140B] From the Regr., High Court, R.O.C.

Mf 1-2 Cf No 966/36/D3 Dy 25-3-1936.

Official Receiver's office, South Kanara – continuance of the post of addl Clerk for a further period of one year.

AS.

Mf 1 Cf The Hon'ble the Judges recommend that the post of temp. addl Clerk in the office of O.R. South Kanara may be continued for a further period of one year from the date of commencement of the summer recess for 1936.

Govt No 1353 (V) 17.4.35

2 The following statement compares the work in the office in 1935 with that in 1934 on the basis of which the post was continued last in Go. no 1355 Leg. Dy 17-4-1935.

Mf 15 Cf (V)

	1934 – Mf 119 (V)	1935. – Mf 8 Cf
No of cases received	111	71
No of Cases Pending at the end of the year	365	258
Amount of assets realised	Rs 140563-11-9	Rs 89976/-

It will be observed from the ~~above~~ statement that the there has been a marked fall in 1935 in all branches of work in the office. The Dt Judge bases his

~~X B~~

proposal for Continuance of the Clerk on the ground that the Clerical work in the office has increased and that there are 35 registers to be maintained by the Clerk. He also states that one Clerk cannot cope with the work in the office and that the work would fall into arrears if the addl Clerk is not continued now. (Ref 'A' and 'B' on p 4 of 'A' on p 4 of)

3 It is submitted that ~~in another file~~, the Finance Deptt has objected to the proposal for the continuance of the post of addl clerk in the office of the CR, Tinnevelly, for the reason that the no. of cases instituted in 1935 was below 100 in spite of the fact that the no. of cases pending was over 200. (File cited separately)
In the present case, the no. of cases instituted in 1935 was only 71. There has been a fall in all branches of work.

4 In the circumstances, it is for consideration whether the proposal for the continuance of the addl clerk in the office of the CR. South Kanara may be accepted.

HR
7.4.36.

There is no strong case for the continuance of the addl clerk in the CR's office, South Kanara.

RBK
7/4

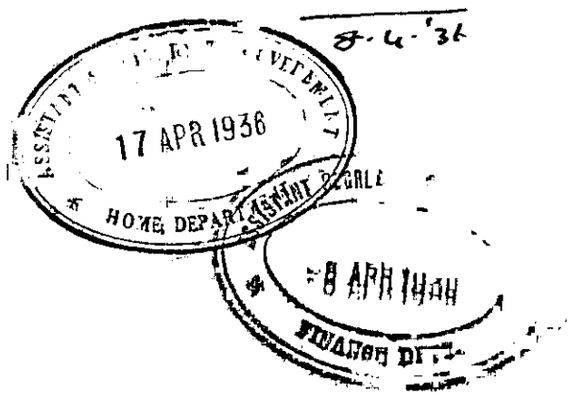
Jaya
5

The proposal may be submitted for orders.

Hm
8/4

Sri

Home U.O.No 2170 E-1
8.4.'36



Finance (E.T

Finance may agree with the Home dept. that there is no case for the continuance of the additional clerk sanctioned for the Official Receiver, South Kanara, for another year as recommended by the High Court.

The case may be returned to Home.

GVS/15/4/36

No
11.4.36.
KVR
11.4.36

Home Refl

*Statistics on 1 CE

Ger 1° 5° d 1.
17-4-35 (V)

p 1 CE

Home 263 E
17.4.36

Home Depth

As.

Finance Depth agrees with this Depth that the proposal for the continuance of the temp. addl clerk in the O.R's office South Kanara, may be negatived.

cf As.2 note
p 2 ante
+ Fin Dep: 4 n dt above

A draft letter to the High Court is subd.

J.V.R.
28.4.36.

Precedent on p.12 of Letter No.876 L.G. dated 7.3.36 at 'B'

19

Home Dept.

Letter/Ms. No. 4 6 dated 14.5.36

To

The Hon'ble the C.J.

High Court, Madras.

Abstract.-

Official Receiver, South Kanara Estt.-Continuance of temporary clerk - Declined.

Hon'ble Sir,

Official Receiver, S. Kanara - Establishment - Continuance of temporary addl. clerk - Ref: Mr. White's letter R.O.C.No.966/36/D3 dated 25.3.36.

***

In Mr. White's letter cited above, the Hon'ble the Judges have recommended that the appointment of temporary addl. clerk in the office of the Official Receiver, South Kanara may be continued for a further period of one year from the date of commencement of the summer recess for 1936.

I am directed to say that, having regard to ~~the fact that there has been a marked~~ decrease both in the no. of cases instituted and in the no. -- pending in the office in the year 1935 when compared with the previous ~~years~~, the Govt. regret their inability to sanction the continuance of the post for another year.